

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR (1) REAR YARD SETBACK VARIANCE FROM 30 FT TO 20 FT FOR A PROPOSED POOL; AND (2) REAR YARD SETBACK VARIANCE FROM 25 FT TO 15 FT FOR A PROPOSED POOL SCREEN ENCLOSURE; (KIMBERLY A. & TIMOTHY A. WATSON, APPLICANTS).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Earnest McDonald **CONTACT:** Tony Walter **EXT.** 7375

Agenda Date 06-23-03 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FT TO 20 FT FOR A PROPOSED POOL; AND (2) REAR YARD SETBACK VARIANCE FROM 25 FT TO 15 FT FOR A PROPOSED POOL SCREEN ENCLOSURE; (KIMBERLY A. & TIMOTHY A. WATSON, APPLICANTS); OR
2. **DENY** THE REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FT TO 20 FT FOR A PROPOSED POOL; AND (2) REAR YARD SETBACK VARIANCE FROM 25 FT TO 15 FT FOR A PROPOSED POOL SCREEN ENCLOSURE; (KIMBERLY A. & TIMOTHY A. WATSON, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(Commission District #1, Maloy)

(Tony Walter, Principal Planner)

GENERAL INFORMATION	Kimberly & Timothy Watson, Applicants 140 Roann Drive Oviedo, FL 32765	RC-1 DISTRICT, LDC SECTION 30.1345.1 LOCATION OF SWIMMING POOLS AND POOL SCREEN ENCLOSURES (AS AMENDED FALL 2002)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANTS PROPOSE TO CONSTRUCT A POOL AND POOL SCREEN ENCLOSURE TO THE REAR OF AN EXISTING HOME, WHICH WOULD BOTH ENCROACH 10 FT INTO THE MINIMUM REAR YARD SETBACK. • THE AFOREMENTIONED VARIANCES ARE THEREBY REQUESTED. • THERE IS NO RECORD OF VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY OR SIMILAR VARIANCES HAVING BEEN GRANTED FOR NEARBY AND ADJACENT PROPERTIES. 	
STAFF FINDINGS	<ul style="list-style-type: none"> • THE APPLICANTS HAVE FAILED TO IDENTIFY ANY SPECIAL CIRCUMSTANCES PECULIAR TO THIS 	

	<p>PROPERTY THAT WOULD SUPPORT THE GRANT OF A VARIANCE; THEREFORE, THE GRANT OF THE SAME WOULD CONFER SPECIAL PRIVILEGES TO THE APPLICANT BY BEGINNING A TREND OF ENCROACHMENT INTO THE REAR YARD THAT WOULD EXCEED ESTABLISHED NEIGHBORHOOD LIMITS.</p> <ul style="list-style-type: none">• THE APPLICATION OF THE MINIMUM REAR YARD SETBACK STANDARD WOULD NOT DEPRIVE THE APPLICANT OF PRIVACY RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE RC-1 DISTRICT; REASONABLE USE COULD BE RETAINED BY CONSTRUCTING THE PROPOSED POOL AND POOL SCREEN ENCLOSURE SO THAT BOTH WOULD BE COMPLIANT WITH THE MINIMUM REAR YARD SETBACK STANDARD.• THE REQUESTED VARIANCES ARE NOT THE MINIMUM THAT WOULD MAKE POSSIBLE THE REASONABLE USE OF THE SUBJECT PROPERTY, SINCE REASONABLE USE WOULD BE RETAINED WITHOUT THE GRANT OF A VARIANCE.• THE CONSTRUCTION OF THE PROPOSED POOL AND POOL SCREEN ENCLOSURE, AS PROPOSED, WOULD ALSO IMPACT A PORTION OF WETLANDS LOCATED ON THE PROPERTY.
STAFF RECOMMENDATION	<ul style="list-style-type: none">• BASED ON THE STATED FINDINGS, STAFF RECOMMENDS DENIAL OF THE REQUEST UNLESS A HARDSHIP CAN BE DEMONSTRATED BY THE APPLICANTS. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE STAFF RECOMMENDS THE IMPOSITION OF THE FOLLOWING CONDITIONS:<ul style="list-style-type: none">○ ANY VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPOSED POOL AND POOL SCREEN ENCLOSURE DEPICTED ON THE ATTACHED SITE PLAN.○ ANY IMPACTS TO THE AFOREMENTIONED WETLANDS CREATED BY THE CONSTRUCTION OF THE POOL AND POOL ENCLOSURE SHALL BE MITIGATED ON SITE.○ ANY ADDITIONAL CONDITIONS DEEMED NECESSARY BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.

